

May 18, 2005

**Helena IR**

**RE: Legal Notice on Reclamation Bond Increase for Ash Grove Cement.**

Dear Editor:

Please run the following Legal Notice in your Sunday, May 22, 2005 issue:

#### LEGAL NOTICE

The Montana Department of Environmental Quality (DEQ) is conducting a five-year comprehensive bond review for Ash Grove Cement Inc.'s (Ash Grove) limestone, silica and shale quarries near Montana City, MT. The six quarries were permitted over the years under six different operating permits. The operating permits were consolidated in 2004. The quarries are currently permitted under Operating Permit 00003 from DEQ which was issued in 1971. The five-year bond review procedures are set forth in Section 82-4-338, MCA, of the Montana Metal Mine Reclamation Act. DEQ does not believe that the current bonding level represents the costs of implementing the currently approved reclamation plan per the Metal Mine Reclamation Act (MMRA) and the rules adopted under the MMRA.

The quarries are on private land in sections 10, 12, 13 and 15 in Township 9 North, Range 3 West and sections 7 and 18 in Township 9 North, Range 2 West in Lewis and Clark County. Ash Grove has an 825-acre permit area of which all 825 acres are permitted for disturbance. Current disturbance at the mine is 250.2 acres of which 34.3 acres have been reclaimed to date.

DEQ currently holds a reclamation bond of \$1,377,660. DEQ has determined as part of the bond review process that an increase in the bond is required to guarantee reclamation of the current disturbance at the site. DEQ calculated a preliminary bond determination of \$1,388,964 to cover reclamation costs. DEQ published the proposed bond determination in the local newspapers. No comments were received from the company or the public.

DEQ is publishing the final bond amount of \$1,388,964 in local newspapers and issuing a press release. Ash Grove must post bond no later than 30 days after issuance of the final bond determination. DEQ is required to grant a 30-day extension of the deadline if Ash Grove demonstrates that, through the exercise of due diligence, it will not be able to post the bond within 30 days.

Finally, Ash Grove may request a hearing pursuant to Section 82-4-338(3), MCA. If Ash Grove fails to post bond in accordance with these procedures, the operating permit is suspended by operation of law and Ash Grove would be required to cease mining until the bond is posted and approved by DEQ.

A copy of the bond calculations that form the basis for the final bond determination can be obtained by contacting the Montana Department of Environmental Quality, Environmental Management Bureau, P. O. Box 200901, 1520 E. Sixth Ave., Helena, MT 59620-0901, or by calling Patrick Plantenberg at (406) 444-4960 or e-mail at [pplantenberg@mt.gov](mailto:pplantenberg@mt.gov).

Please attach an affidavit of publication, with an original tear sheet for the run date, to your invoice and send them to:

Department of Environmental Quality  
Environmental Management Bureau  
1520 East 6<sup>th</sup> Avenue  
PO Box 200901  
Helena MT 59620-0901

Please charge to DEQ # 5035149, and reference EMB- 5035180

Sincerely,

Patrick Plantenberg  
Operating Permit Section Supervisor  
Environmental Management Bureau

cc: Jackie Windon, DEQ  
Charles Freshman, DEQ

file: 00003.37 and .10

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